

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of Avi J. ASHKENAZI	
Confirmation No.: 1337	Examiner: Gary B. Nickol
Serial No.: 09/993,234	
Filed: November 19, 2001	Group Art Unit: 1642
For: APO-2LI AND APO-3 POLYPEPTIDES	

NOTICE OF APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. § 1.191)

MAIL STOP AF
Commissioner of Patents
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner, mailed December 14, 2004, finally rejecting claims 34, 36-39.

A petition to extend the period for submitting the Notice of Appeal in response to the Final Office Action, dated December 14, 2004, is being filed concurrently herewith.

A Response/Amendment Transmittal and Petition for Extension of Time, along with authorization to charge \$1,520.00 (\$500.00 filing fee for the Notice of Appeal, plus \$1,020.00, the three month extension fee under 37 C.F.R. § 1.117(a)(3)) to Sidley Austin Brown & Wood's Deposit Account No. 18-1260, referencing Docket No. 22338-1207, is respectfully submitted herewith. In addition, if the Response Transmittal and Fee Authorization form is missing, insufficient, or otherwise inadequate, or if a fee, other than the issue fee, is required during the pendency of this application, please charge such fee or credit any overpayment to the same account.

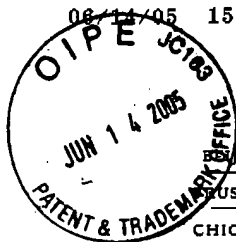
Respectfully submitted,

David L. Devernoe
Registration No. 50,128

Date: June 14, 2005

SIDLEY AUSTIN BROWN & WOOD LLP
1501 K Street, N.W.
Washington, DC 20005
202-736-8000

DCI 777910v.1



SIDLEY AUSTIN BROWN & WOOD LLP

BEIJING
BRUSSELS
CHICAGO
DALLAS
GENEVA
HONG KONG
LONDON

1501 K STREET, N.W.
WASHINGTON, D.C. 20005
TELEPHONE 202 736 8000
FACSIMILE 202 736 8711
www.sidley.com
FOUNDED 1866

LOS ANGELES
NEW YORK
SAN FRANCISCO
SHANGHAI
SINGAPORE
TOKYO
WASHINGTON, D.C.

WRITER'S DIRECT NUMBER
(202) 736-8143

WRITER'S E-MAIL ADDRESS
ddevernoe@sidley.com

FACSIMILE TRANSMISSION FORM

Date: June 14, 2005		No. of pages including cover sheet: 8	
To: Commissioner for Patents		U.S. Patent and Trademark Office	
Telephone #: 202/736-8143		Fax #: 703/746-4000	
From: David L. Devernoe	Ext.	Floor: 10th	

RE: Serial No.: 09/993,234 Group Art Unit: 1642
 Confirmation No.: 1337 Examiner: NICKOL, Gary B.
 Filed: November 19, 2001
 Applicant: Avi J. ASHKENAZI
 For: APO-2LI AND APO-3 POLYPEPTIDES

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8

I CERTIFY THAT THE FOLLOWING DOCUMENT IS BEING TRANSMITTED TO THE USPTO AT FAX NUMBER (703) 746-4000 ON THE DATE SHOWN:

REPLY UNDER 37 C.F.R. § 1.116 (5 PGS)
 PETITION FOR THREE MONTHS EXTENSION OF TIME (1 PG)
 NOTICE OF APPEAL (1 PG)


 SIGNATURE

David Devernoe
 PRINTED NAME

6/14/05
 DATE

Problems with this transmission should be reported to:

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL(S) OR ENTITY(IES) TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE.

SIDLEY AUSTIN BROWN & WOOD LLP IS A DELAWARE LIMITED LIABILITY PARTNERSHIP
 PRACTICING IN AFFILIATION WITH OTHER SIDLEY AUSTIN BROWN & WOOD PARTNERSHIPS

DC1 777878v.1